

**City of Issaquah
Development Commission**

NOTICE OF DECISION

May 21, 2014

Applicant: Lennar Multifamily Communities
Contact: Tom Bartholomew
1325 Fourth Avenue
Suite 1700
Seattle, WA 98101-2528

Architect: GGLO
Contact: Alan Grainger
1301 First Avenue, Suite 301
Seattle, WA 98101

Property Owner: Gilman Square LLC
2033 First Avenue
Seattle, WA 98101

Project: Seventh At Gilman (also known as Atlas)

File No.'s. SDP13-00005 (Site Development Permit)
SHO13-00014 (Shoreline Substantial Development Permit)

Request: Applications requested for approvals of: 1) Site Development Permit and 2) Shoreline Substantial Development Permit for a project comprised of 346 stacked apartments constructed in 3 buildings on a site containing 6.23 acres. The buildings are 5 stores in height above below grade structured parking. Surface parking in 2 lots is also proposed. Approximately 400 parking spaces will serve the project. The project will include outdoor recreational spaces connected by walkways. A landscaped flood swale will be constructed on the site flowing from a proposed Neighborhood Park on the eastern side of the site to the existing Gilman Boulevard drainage ditch at the northwest corner, and a riparian creek buffer along Issaquah Creek will be restored.

Location: The project site is located south of NW Gilman Blvd, north of NW Locust Street, east of 7th Avenue NW and west of Issaquah Creek at the current site of Gilman Square, 615-695 NW Gilman Boulevard.

I **DECISION**

The Development Commission reviewed the proposed Site Development Permit and Shoreline Substantial Development Permit during a public workshop meeting conducted on April 16, 2014 followed by a public hearing held on May 7, 2013. After reviewing the applications, plans received on December 18, 2013 and on March 13, 2014, reviewing the staff report with attachments, supporting documents, a briefing response, and listening to representatives by the applicant, city staff and citizens, the Development Commission approved the applications with Conditions. Approval of the applications is based on the below Findings of Fact, Conclusions and is subject to the conditions contained herein.

Randolph Harrison, Chair
Development Commission

Date

This Notice of Decision has been executed this 21st day of May, 2014 by the Chairman of the Development Commission on the behalf of and per the direction of the Development Commission.

WHEREAS, a public workshop meeting was held on April 16, 2014 and a public hearing was held on May 7, 2014, to consider a Site Development Permit and a Shoreline Substantial Development Permit for a multifamily project consisting of 346 dwelling units in three 5-story buildings on 6.23 acres, and,

WHEREAS, as the Development Commission reviewed the applications on April 16, 2014 and May 7, 2014, and has had adequate time to review and reflect upon the applications; and,

WHEREAS, the Development Commission is now satisfied that the applications have been sufficiently considered, and hereby makes and enters the following:

II FINDINGS OF FACT

1. Lennar Multifamily Communities, submitted a Site Development permit application and a Shoreline Substantial Development Permit application on December 18, 2013 for the development of a multifamily project comprised of 346 stacked apartments in three 5-story buildings, identified as Buildings A, B and C on a 6.23 acre site. The project also includes outdoor recreational spaces connected by walkways. A landscaped flood swale will be constructed on the site flowing from a proposed on-site neighborhood park on the eastern side of the site to the Gilman Boulevard drainage ditch at the northwest corner, and a riparian buffer along Issaquah Creek will be restored.
2. A sufficiency review of the applications was made and staff determined that the applications contained adequate information and detail and the applications were determined to be complete on January 31, 2014.
3. A Notice of Application was mailed to property owners within 300 feet of the subject site on January 31, 2014, and a 2-week comment period was established until January 14, 2014. Public comments were allowed up through the public meeting and hearing process.
4. The Central Issaquah Plan was adopted on December 17, 2012 providing the Central Issaquah Plan Area Map, an overview, definitions, guiding principles, central plan districts, policies and exhibits to the plan. The Central Issaquah Development and Design Standards became effective April 29, 2013 to implement all development sites within the boundary of the Central Issaquah Plan. This includes 17 chapters applicable to the plan. The property is zoned "MU" -- Mixed Use (effective 4/29/2013). Multifamily is a permitted use in the MU zone. Mixed use development is also allowed but is not required. The property also has a Land Use Designation of "Mixed Use" by the Comprehensive Plan (effective 1/20/2014).
5. The project site is comprised of 8 parcels that contain approximately 6.23 acres. The 8 parcels will be consolidated prior to construction permits being issued or alternatively modified multiple parcels with cross use easements.
6. The existing use of the site is retail, including the Gilman Square shopping center developed with a single story retail building having multiple tenants, a restaurant and a detached business called Blue Dog. The project site wraps around 2 parcels fronting Gilman Boulevard containing the businesses O'Reilly Auto Parts and KFC/Taco Bell which are not included. All on-site buildings will be demolished to allow for the redevelopment of the site. A number of existing significant trees on the property will be retained and incorporated into the new design.
7. Under Table 4.3A of Chapter 4 (Zoning Districts, Uses and Standards Summary) of the Central Issaquah Development and Design Standards, the Development Commission conducts a planning-level review of specified land use actions for sites that are 3 acres in size and greater, including Site Development Permits, for conformance with policies, goals and objectives contained in the Issaquah Comprehensive Plan and the adopted Central Issaquah Development and Design Standards. The Development Commission is the decision maker of Site Development Permits.
8. The applicable standards of the District Standards Table (Table 4.4 of Chapter 4) including the floor area ratio, building height, building setbacks (with exception of

the “Build to Line” at the northwest corner of the site along Gilman Blvd), and impervious surface area have been complied with.

9. Environmental impacts of the project were analyzed as part of the SEPA review conducted with the adoption of the Central Issaquah Plan and as specifically related to the project with the submittal of an Environmental Checklist. Significant “critical areas” as part of the environmental review included Issaquah Creek that is the adjacent eastern boundary of the site and the 100-Year Flood Plan that cover the site. In summary, findings and conditions of the environmental review centered on the following elements: 1) Land Use, 2) Environmental Critical Areas, 3) Flooding (including existing flood patterns, proposed site improvements, 7th Avenue drainage, and Issaquah Creek bank repair to reduce frequency of flooding), 4) Traffic and 5) Public services. A Mitigated Determination of Nonsignificance (MDNS) for the project was issued on March 19, 2014 and a 21-day combines comment and appeal period was established between March 19, 2014 and April 9, 2014. No appeals were received. The SEPA decision including Findings and Mitigation Measures was included as Attachment 1 to the Staff Report.
10. A traffic concurrency analysis was prepared to evaluate the impacts of project traffic on level of service operation at City intersections. Transportation modeling was performed by the City’s consultant, CH2M Hill. Trip generation estimates for the proposal were determined using rates and equations from the ITE Trip Generation Manual, 9th Edition, 2012. It was estimated that the project is expected to generate 74 new net PM peak hour trips with credit given for the trips generated by the commercial uses of the site and for pass-by trips. A traffic signal warrant analysis was prepared and it was determined that the project would generate a substantial increase in left run movements from 7th Avenue onto NW Gilman Boulevard based on the traffic concurrency model trip distribution. The applicant is required to design and build a traffic signal and channelization at the intersection of 7th Avenue and NW Gilman Blvd. A site access analysis is also being required for driveways off of 7th Avenue and NW Locust St. 90% of the future traffic trips is expected to use the driveway along 7th Avenue. Traffic safety and operation impacts have been considered through review of the application and the incorporated conditions will adequately ensure these issues are addressed.
11. The site is fully within the 100-year flood plain of Issaquah Creek and it is documented that the site floods during extreme storm events, in the 10-20 year range of recurrence interval storm events. The project will modify on-site flooding by the construction of an onsite flood channel to contain flood waters and site grading to create fill pads to raise the finish floor elevations of the 3 buildings above the 100-year flood plain elevation to prevent flood impacts. The entrance drives into flood proof parking garages that are below grade will also be designed above the 100-year flood plain elevation to prevent water from entering the parking garages. Wall and foundations of the garages will be waterproofed to prevent inflow of ground water.
12. A drainage channel along 7th Avenue (Drainage District #4 Ditch) that is in both in a 36-inch pipe and an open channel will be fully tight lined within a pipe. To mitigate for the impacts and loss of habitat area of the open channel area, a larger area will be created at the bottom of the new flood channel and a riparian enhancement along Issaquah Creek will be created in the outer buffer to the creek.

13. Vehicular access to the site will be from 3 driveways located off 7th Avenue NW, NW Locust Street and NW Gilman Boulevard. Pedestrian access will also be provided from several street points along those streets as well as with a “Shared Use Route” that has connection points to 7th Avenue NW, NW Locust Street and NW Gilman Boulevard.
14. Chapters 6 and 12 contain the standards for Circulation Facilities and Circulation Design. The Development Standards for roads as set forth in Chapter 6.0 (Circulation) of the Central Issaquah Development and Design Standards were used to evaluate the proposal, including half street improvement’s that will be required for NW Gilman Blvd, 7th Avenue NW and NW Locust Street. Improvements will include the traffic lanes, parallel parking, bicycle lanes, sidewalks, landscaping and street lighting. The standards for the project also included the Nonmotorized Facility Standards for the Shared Use Route and the Primary Through Block Passage.
15. The project provides for an interconnected system of sidewalks along the 3 adjacent streets as well as pedestrian walkways throughout the site and connecting to adjacent pedestrian walkways through parking areas as required by the circulation standards
16. Chapters 7 and 13 contain the standards for Community Space. Community space will provide elements of the “Green Necklace” in an array of green elements including the Neighborhood Park, riparian corridors, tree lined streets and active and passive paces connected by the Shared Use Route. With 346 dwelling units, 48 sq. ft. of private usable outdoor space as either individual private space, common private common space or as on-site amenity is required for a total of 16,606 sq. ft. and 29,242 sq. ft. is being provided with decks, patios, and common private outdoor space (court yards with the 3 buildings). In addition, one on-site amenity such as a recreation room is required and is being provided in a gathering room in Building A and a fitness room in Building B.
17. An essential element of the Central Issaquah Plan and the Central Issaquah Development and Design Standards (Chapter 6, Circulation and Chapter 7, Open Space) is the implementation of the “Green Necklace” which is an array of green elements including parks, riparian corridors, tree-lined streets, active and passive places connected by the Shared Use Route. The proposed park and open space with the project is intended to provide active and passive recreational opportunity for the apartment residents and the neighborhood. Other elements of the site plan implement this by including attractive ground level pedestrian plazas, the Shared Use Route that runs north-south, and east-west in the site that is separated from vehicles, sidewalk connections around and through the site including a Through Block Passage between Building B & C, the construction of a Neighborhood Park on the eastern portion of the site, the construction of the landscaped flood swale connecting the park to Gilman Blvd. and the integration and enhancement of the natural environment along Issaquah Creek.
18. The Central Issaquah Plan identifies a Neighborhood Park in the area west of Issaquah Creek which is being provided as part of the project with a passive open space play area and a fenced dog run area, and includes a portion of the Shared Use Route that parallels Issaquah Creek.
19. Chapters 8 and 15 contain the standards for Parking. The project will include approximately 400 parking stalls in two garages below the 3 buildings and in two surface parking lots. A minimum of 339 stalls are required and a maximum of 530 stalls are allowed, based upon

the number of bedrooms the apartments the project will have. In addition, parallel street parking will be constructed as part of the required street improvements along 7th Avenue NW and NW Locust Street (no street parking along NW Gilman Blvd.). Loading spaces and motorcycle parking will be incorporated into the site plan. Bicycle parking will be provided based upon the total number of bedrooms in the apartments and distributed throughout the site. The majority of the bicycle parking will be secured within the garages.

20. Chapter 9 contains the standards for Signs. Minimal information was provided for signage other than a conceptual proposal to include signage within an architectural design element at the corner of 7th Avenue & Gilman Blvd. A comprehensive sign package for all exterior signage will need to be submitted prior to any occupancy of the apartments.
21. Chapters 10 and 16 contain the standards for Landscaping. The landscaping is meeting the standards required for parking lots and the Shared Use Route (as conditioned), the selection of plant materials in riparian areas, by the outside waste enclosure, with the tree density and tree retention requirements, street trees, and with the general standards and guidelines established.
22. Chapter 11 contains the standards for Site Design. This included an emphasis on the Public Realm and non-motorized circulation for pedestrians and bicyclists. Also included were elements of lush green landscaping, the Build-To-Line with the buildings and the minimum building frontage facing the adjacent streets and the orientation of principal facades to the streets or courtyards.
23. Chapter 14 contains the standards for Buildings. The architecture of the 3 buildings are modern contemporary design with irregular shapes and will include facades with relief, depth and shadows and recessing elements; divided windows, setbacks where the buildings are over 3 stores in height; varied building materials and colors (selectively used accent colors including red, green and blue to identify each building); design elements that includes a building base, middle and top with the building's; building corners that are twisted above the 2nd floors to create unique corners; vertical and horizontal modulation without flat facades; varied heights with the parapets (some that slope upward) and roofline cornices. Architectural style of the buildings was questioned but is not specified by the Central Issaquah Development and Design Standards. A material/color board for the buildings was also presented as Attachment #7 with the Staff Report.
24. Semi-private courtyards will be provided at each building and a Through Block Passage between Buildings B and C. Private space will also be provided with apartment decks and patios and in common areas inside the buildings. A sun and shadow analysis was prepared by the applicant that illustrated sun and shadow patterns on the outdoor spaces for the dates of March 21 and June 21 and at the hours of 10:00 am, 11:00 am, 12:00 pm, 1:00 pm, 2:00 pm and 3:00 pm. That analysis illustrated that the outdoor spaces will have a fair amount of sun light at various times of the day.
25. Chapter 17 contains the standards for Lighting. The lighting selected will include a hierarchy of fixtures that will provide for safety after dark in an attractive manner including pedestrian scaled pole lights and bollard lights, catenary lights for a festive design, and LED solar lights. No lighting will be adjacent to Issaquah Creek. Actual details of the fixtures will be provided with the construction permits.

26. The project site is located along the western side of Issaquah Creek (Class 1 Stream) and the shoreline jurisdiction includes areas that are 200 feet landward of the Ordinary High Water Mark of the creek. The Shoreline Master Program has an environmental designation of "Shoreline Commercial Mixed" at this site allowing the proposed development. The 3 buildings are all outside of the 200 foot shoreline jurisdiction distance. Other elements of the project including restoration of the creek bank, the new Neighborhood Park, surface parking, and walkways including the Shared Use Route are within the shoreline jurisdiction requiring a Shoreline Substantial Development Permit. The shoreline buffer along the creek was respected. Public notice published in the newspaper was required and a 30 day comment period was provided upon the legal publication in the Issaquah press on February 19, 2014. As part of the environmental and shoreline review, two public shoreline meetings were held with the City's River and Streams Board on the dates of March 4, 2014 and March 18, 2014. Notice was provided to the Parties of Record. A copy of the City's decision will be transmitted to the Department of Ecology as part of the shoreline permit review process.
27. A legal notice of the project was placed in the Issaquah Press on April 2, 2014 for both the April 16, 2014 public workshop meeting and the May 7, 2014 public hearing.
28. Notice of the scheduled dates held for the public meeting and the public hearing was mailed to property owners within 300 feet of the subject site on April 2, 2014. Notice was also placed on the City's website of the public meeting and the public hearing and in the City Hall Northwest lobby's reader board.
29. An Information sign of the project and description was posted on the property at the corner of 7th Avenue NW and NW Gilman Boulevard by the applicant on April 4, 2014. Notice of the Development Commission public meeting and hearing dates was updated by staff on the sign at least 2 weeks prior to both the April 16th meeting and the May 7th public hearing. A Shoreline Meeting notice before the River and Streams Board was also posted on site.
30. Letters and email correspondence was received from 6 citizens, in some cases multiple times by the same citizens (12 emails and letters total). Concerns in summary were regarding: Ownership of the Shared Use Route, flooding on the site and in the garages and possible displacement of flood water, design of the new flood swale, 3rd party review of the hydrology engineering, parking on the site, traffic congestion, the status and design of the drainage ditch along 7th Avenue NW, asbestos and contamination at the site, concerns of earthquakes and liquefaction and the impact to building foundations, and mud and silt carried over the site and landscaping. These issues brought up by citizens were described in greater in the Staff Report along with responses from City staff.
31. An opportunity for public testimony was provided at the public meeting/hearing held on the evenings of April 16, 2014 and May 7, 2014, respectively. Eight citizens spoke at the April 16th meeting and five citizens spoke at the May 7th public hearing. Concerns brought up primarily were regarding: 1) flooding (with the current site and as the site is re-developed), 2) traffic issues, 3) parking, 4) building design and aesthetics and 5) job loss.
32. Staff has thoroughly reviewed the applications and presented their findings verbally and in a Staff Report. The Development Services Department issued a Briefing Response memorandum on May 2, 2014, in response to issues raised by the Development Commission and the public at the April 16, 2014 public workshop meeting.

33. The April 10th Staff Report thoroughly reviewed the 2 applications in relation to the applicable approval requirements of the chapters contained in the Central Issaquah Development and Design Standards and the City of Issaquah Shoreline Master Program (dated February 2013). The report contained a recommendation of approval, subject to 16 conditions. In addition, the Staff Report contains several exhibits which relate to the review of the project and 83 construction related conditions (attachment 5 with the Staff Report). Condition #8 was modified and 3 new conditions, #17, #18 and #19 were added by the Development Commission at the May 7th public hearing.
34. Beyond the information provided in the applications, the Staff Report and its exhibits, Briefing Response Memo, information was provided by City staff and the applicant to the Development Commission during the course of the public process to enable it to have a complete and thorough understanding of the project. This included a PowerPoint presentation by the applicant with a presentation explaining the project and its compliance with the Central Issaquah Development and Design Standards and two PowerPoint presentations by staff, a discussion between the staff and Development Commission of the conditions proposed in the Staff Report.
35. The applications were routed to various departments within the City as well as Eastside Fire & Rescue. All comments were incorporated into the proposal or the below-listed conditions.
36. The Development Commission has had the opportunity to thoroughly review the applications. An initial workshop meeting was held on April 16, 2014. This was followed by a public hearing held on May 7, 2014 and concluded that evening.
37. The Development Commission evaluated all comments related to the applications prior to rendering a decision.
38. Any conclusion listed below which could be considered a finding is hereby incorporated as a finding.

III CONCLUSIONS

Having rendered the above-cited Findings, the Development Commission draws the following Conclusions:

1. This proposal was reviewed in accordance with the Central Issaquah Plan and the Central Issaquah Development and Design Standards. Any areas not covered by that plan were reviewed in accordance with the Issaquah Land Use Code. The Development Commission is responsible for reviewing and making the decision for Site Development Permit applications for parcels over three acres in size. The shoreline application was reviewed concurrently with the SDP. Any Administrative Adjustment of Standards is allowed to be reviewed administratively.
2. The Seventh At Gilman project is within the boundaries established by the Central Issaquah Plan.

3. The proposal complies with the standards of the Central Issaquah Development and Design Standards and the “MU” (Mixed Use) zoning of the property.
4. The proposal complies with the adopted Issaquah Shoreline Master Program.
5. The applications contain adequate information for the Development Commission to render this decision.

Based on the Findings and Conclusions outlined above, the Development Commission moved to approve the Site Development permit and Shoreline Substantial Development Permit for the Seventh At Gilman project, File No.'s SDP13-00005, SHO13-00014, as described in the Staff Report dated April 10, 2014, its Attachments 1-8, the Briefing Response Memo dated May 2, 2014, (including the modification of condition #8 and 3 additional conditions #17, #18 and #19 added at the public hearing) and subject to the terms, conditions, and rational contained in the Staff Report (and as amended that evening), subject to the following conditions:

1. Prior to issuance of any permits for construction of buildings, the property lines must be consolidated or adjusted so they do not conflict with buildings.
2. In the event the project is phased, the Director or designee has the right to apply additional conditions with Building or Utility Permits to ensure each phase complies with the Central Issaquah Plan, such as but not limited to access, fire circulation, parking, and landscaping requirements including site stabilization.
3. The applicant shall comply with the conditions of approval set forth by the Mitigated Determination of Nonsignificance (MDNS) issued on March 19, 2014.
4. Except for site work such as clearing, grading, building demolition, preload of the site, the Applicant may not submit for permits for construction until any required Administrative Adjustment of Standards (AAS) has been submitted and approved, except for any AAS for the Shared Use Route segment connecting with Locust St.
5. The western portion of the Gilman Blvd frontage shall be constructed to match adopted Boulevard standards (the City may consider fee in-lieu); the eastern portion of the Gilman Blvd frontage shall either be constructed to match adopted Boulevard standards or a fee-in-lieu paid.
6. The Shared Use Route segment connecting the park and Locust St shall be designed and constructed to meet the Shared Use Route standard to fullest extent possible while recognizing that the area must maintain vehicular access to adjacent properties. The design of the Shared Use Route and the shared facilities shall prioritize pedestrians over motorized users.
7. With the submittal of permits to construct the park area, provide an element to meet the year round use requirements of Chapter 7, such as a gazebo or weather protection.
8. Staff and the applicant will collaborate to identify a process to mitigate spillover parking from this project to neighboring properties.

9. The parking garage shall have drive aisle widths based on Section 8.20, which necessitates increases to the widths of some portions of the drive aisles. At this time, only the one-way segment in the Building B garage may be designated as one-way; however, the applicant may ask that this be revisited if significant redesign of the garages occur.
10. The Applicant shall reconfigure the parking to result in all parking sizes meeting the restrictions of Section 8.18.B.2. Specifically, compact parking spaces shall not exceed 60% of the total of parking spaces provided for the project.
11. The number, type and location of ADA compliant parking spaces is not approved by this permit and shall be reviewed by the Building Official during the Building Permit review. The applicant should meet with the Building Official prior to the submittal of any construction permits to confirm the number and distribution of ADA parking stalls.
12. The Applicant shall provide vertical architectural elements along that portion of the Shared Use Route adjacent to the parking lot. The design and frequency of the vertical elements shall be determined with construction permits; however, the element(s) proposed and approved shall enhance the sense of separation between the Shared Use Route and the parking lot.
13. The garages' vehicular ramps will be designed to either discourage pedestrians from using the ramps, or walkways will be provided which are vertically separated from driving surfaces by vertical curbs and will have railings separating pedestrians from adjacent moving vehicular traffic. The walkways shall be 5 ft clear (minimum) and include elements to improve pedestrian safety and friendliness.
14. The landscape requirements for the Shared Use Route shall be in addition to any landscape requirement for the adjacent parking lot, such as edge landscaping and bumper overhang. A low screening wall may suffice for the required 3 feet of parking lot edge landscape.
15. A minimum of 203 significant trees, or their code equivalent, shall be incorporated into the landscaping design to meeting the tree density requirement of 4 trees per 5,000 square feet of the Developable Site Area.
16. A vertical architectural feature(s) of substance shall be provided at the corner of 7th and Gilman and extend at least 60 feet along each street to establish a streetwall. It must be located to comply with the Build-to requirements of the standards. The feature shall be related to the architecture and building materials of the Building A. Features such as a paved plaza, benches, art and trellis may be added as components of the street intersection but will not suffice as an accepted vertical architectural feature of substance to meet the requirements.
17. During construction permit review, the City and the applicant will work to identify elements of a public education plan related to potential flooding. The education plan will include signs in the garage and legal notice to ensure that future owners of the property are aware of the site characteristics. Other possible components might include information provided to residents during leasing and residence.

18. During the construction of Building C, its courtyard will be evaluated by staff and the applicant to determine if a secondary, minor walkway is warranted. If appropriate, the walkway will be low impact, such as stepping stones.
19. Assess the need for the addition of traffic calming or controls on 7th Avenue NW to ensure traffic safety is maintained in response to the increased use of this street created by the project.

SDP13-00005,SHO13-00014 Seventh at Gilman Notice of Decision 5-21-14 FINAL